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Tafoya doesn't want to testify, source says

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FORT COLLINS — Eugene Aloys Tafoya doesn't want to testify at his attempted first-degree murder trial for fear of betraying the trust of his colleagues in secret missions, some of which he thought were sponsored by the CIA, a close Tafoya associate told the News Friday.

However, attorneys are encouraging Tafoya to take the stand so he can testify as to how Libyan dissident student Faisal Zagallai was shot Oct. 14, 1980, the associate said.

Apparently, Tafoya has yet to make a firm decision about his testimony. Jury selection in Tafoya's trial continued here Friday and is expected to last at least another day.

Prosecutors want to present evidence allegedly connecting the 47-year-old former Green Beret with an international network of retired American soldiers working in Libya.

Tafoya has told reporters about his employment with Libyan agent Edwin P. Wilson and about his alleged employment with the CIA. He's apparently reluctant to go on the record with specifics about those connections.

The native of Truth or Consequences, N.M., said he shot Zagallai in self-defense. He said he went to Zagallai's apartment in Fort Collins to give him a warning from the CIA that he should "tone down" alleged anti-Zionist broadcasts he was making to the Middle East.

Tafoya claimed Zagallai became angered

and reached for a gun. Tafoya claimed he then was forced to shoot.

Zagallai recovered from two gunshot wounds to his head but was left blind in one eye.

Defense attorney Walter Gerash has declared Tafoya's claim of self-defense is the heart of the case.

In most self-defense cases, the defendant must testify to convince a jury of the life-threatening danger in which he found himself at the time of the crime.

Selection of Tafoya's jury continued at a brisk pace Friday. Most jurors in this northern Colorado city have told Fort Collins District Judge J. Robert Miller that they've ignored publicized specifics of the Tafoya case. They said they've formed no opinions about the case.

Gerash appeared pleased when half of the 12 tentatively selected jurors said they read spy or mystery novels. Jurors chuckled when Gerash declared he had found the "perfect juror" in one who acknowledged reading "The Spy Who Came in From the Cold."

As is typical of his highly successful defense efforts in the past, Gerash used his questioning of jurors to start sculpting key defense themes. Gerash portrays Tafoya as a dedicated soldier who presumably would never knowingly carry out missions for an unfriendly foreign government.

Both the prosecution and defense can excuse five jurors for any reason they want. So far none



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Judge J. Robert Miller presides over jury selection in the Tafoya trial.

of the so-called "peremptory challenges" have been made.

The prospective jury contains a broad mix of people, including a minister's wife, a grandmother, a Colorado State University student, an electronics expert and a retired farmer.